

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

RODERICK K. ROHRBERG,

Defendant and Appellant.

B212578

(Los Angeles County
Super. Ct. No. YA071992)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Steven Van Sicklen, Judge. Affirmed.

David M. Thompson, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Roderick K. Rohrberg was charged with driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)) (count 1) and with driving while having a blood alcohol level of .08 percent or higher (count 2). The information further alleged as to each count that Rohrberg had suffered two prior convictions within the meaning of Vehicle Code sections 23550 and 23550.5 for driving under the influence and one prior conviction for reckless driving. He was represented by counsel throughout the proceedings. After the denial of his motion to suppress evidence (Pen. Code, § 1538.5), Rohrberg entered a negotiated plea of no contest to count 2 and admitted the truth of the three prior conviction allegations.

Pursuant to the plea agreement, Rohrberg was sentenced to the lower term of 16 months in state prison. The court ordered Rohrberg to pay a \$20 security fee, a \$50 alcohol abuse fine and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45. Count 1 was dismissed. Rohrberg was awarded 62 days of presentence credit (42 actual days and 20 days of conduct credit).

Rohrberg timely filed a notice of appeal, limited to challenging the denial of his motion to suppress evidence.

At the suppression hearing, the parties agreed the sole issue was the lawfulness of the traffic stop. California Highway Patrol Officer Charlton Adams testified that at around 2:00 a.m. on December 23, 2007, he was patrolling Pacific Coast Highway in Los Angeles. In front of him, Adams noticed a car that had neither a rear license plate nor a temporary license or registration visible on the rear windshield. Adams initiated a traffic stop of the driver, Rohrberg, who was alone in the car. In contacting Rohrberg, Adams detected the odor of an alcoholic beverage, emanating from inside the car. Ultimately, Adams arrested Rohrberg for driving under the influence of alcohol. After the arrest, Adams saw a valid temporary registration affixed to the front windshield that the officer had not seen prior to the traffic stop. Adams was aware that a temporary registration may properly be displayed on the front windshield.

Rohrberg did not testify nor present other evidence in his defense at the suppression hearing. After listening to extensive argument by counsel, the trial court found the officer acted reasonably in initiating the traffic stop and denied the motion.

We appointed counsel to represent Rohrberg on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On June 9, 2009, we advised Rohrberg he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response to date.

We have examined the entire record and are satisfied Rohrberg's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

WOODS, Acting P. J.

We concur:

ZELON, J.

JACKSON, J.